

**WRONGFUL CONVICTIONS DEMONSTRATION PROJECT (WCDP)
BYRNE JUSTICE ASSISTANCE GRANT (BYRNE JAG) FISCAL YEAR 2014
PROGRAM DESCRIPTION**

(Maximum Award \$12,000)

Deadline: March 4, 2014 - 12 p.m. (E.T.) in MAGIC (www.michigan.gov/magic)

NOTE: This program area is only open to units of local government (e.g., villages, townships, cities and counties).

PROJECT DESCRIPTION:

The purpose of the WCDP grant is to provide funds to local law enforcement agencies to purchase recording equipment and related technology for recording custodial interrogation of individuals by law enforcement officials. Agencies awarded funding under this grant program must have a written policy for recording interrogations of a category, or categories, of serious crimes determined by the agency. The policy must conform to best practices including: a requirement that the entire interrogation is electronically recorded; a requirement that the recording equipment be positioned in such a way as to record the suspect and/or interrogating officer(s); and, a system for cataloging and retaining copies of recordings for use in related judicial proceedings.

Agencies may use these funds to become compliant with Michigan Public Act 479 of 2012 (<http://www.legislature.mi.gov/documents/2011-2012/publicact/htm/2012-PA-0479.htm>), which requires a law enforcement official interrogating an individual in custodial detention to make a time-stamped audiovisual recording of an interrogation of an individual regarding the individual's involvement in the commission of a major felony, including the notification of the individual's *Miranda* rights. As defined in MCL 763.7, "interrogation" means questioning in a criminal investigation that may elicit a self-incriminating response from an individual and includes a law enforcement official's words or actions that the law enforcement official should know are reasonably likely to elicit a self-incriminating response from the individual; "custodial detention" means an individual's being in a place of detention because a law enforcement official has told the individual that he or she is under arrest or because the individual, under the totality of the circumstances, reasonably could believe that he or she is under a law enforcement official's control and is not free to leave; "place of detention" means a police station, correctional facility, or prisoner holding facility or another governmental facility where an individual may be held in connection with a criminal charge that has been or may be filed against the individual; "major felony" means a felony punishable by life, or any term of years, or a statutory maximum of 20 years or more, or a violation of third degree criminal sexual conduct.

The recording equipment purchased with these funds must comply with six standards for the audiovisual recording of certain felonies as defined by the Act and listed below:

Standard 1: Recording Capability

Audiovisual equipment shall:

- Use a digital recording format.
- Capture at least 24 frames per second.
- Be compatible with a universal playback system.

- Have the capability for an authorized user to redact a copy of the original digital evidence.
- Export duplicate recordings in the original format.
- Allow for a compressed file sharing copy without loss of picture/audio quality.
- Record, without user intervention, at least a continuous 6-hour event.
- Playback recordings in original quality, without loss of picture/audio integrity.

Standard 2: Camera

Video cameras must:

- Record in color.
- Have a minimum of 452 horizontal lines of resolution.
- Be positioned so all individuals within the interrogation room are captured.

Standard 3: Microphone

Audio recording equipment shall:

- Record simultaneously with the video for recording and archiving.
- Be positioned to capture voices of individuals within the interrogation room.
- Be of a quality to accurately record all verbal communication taking place in the interrogation room.

Standard 4: Date/Time Stamp

Recording systems shall:

- Continually record the time/date stamp as metadata.
- Be administrator-configurable to allow or disallow visual display.

Standard 5: Agency Policy and Procedure

Michigan law enforcement agencies shall establish operational guidelines for the audiovisual recording of interrogations identified in the law. The guidelines shall include:

- Procedures for audiovisual recordings.
- *Miranda* rights within the recording.
- The treatment of recordings as evidence.
- The secured storage of audiovisual recordings.
- Procedures for the copying of recordings.
- Procedures for the retention and/or destruction of recordings.
- How the recording equipment is tested and verified.

Standard 6: Geographic Accessibility

The geographic accessibility requirement shall be met by an agency if all of the following occur:

- Equipment meeting MCOLES audiovisual standards (<http://www.michigan.gov/mcoles/0,4607,7-229--312985--,00.html>) is reasonably accessible by an agency.
- There is a mutual agreement in place for use of another agency's audiovisual equipment in effect.
- The location housing the audiovisual equipment is considered to be a place of detention as defined in the Act.

PROJECT PERIOD:

April 1, 2014 – September 30, 2014

PREVIOUS GRANT COMPLIANCE:

Application reviews will include scoring on the applicant's previous compliance with State of Michigan Byrne JAG award requirements for timeliness, accuracy, and completeness of reports.

UNALLOWABLE EXPENSES AND ACTIVITIES:

The following expenses and activities are no allowable:

- Costs in applying for this grant (e.g., consultants, grant writers, etc.).
- Any expenses incurred prior to the date of this Agreement.
- Any administrative costs not directly related to the administration of this Agreement.
- Indirect costs rates or indirect administrative expenses (only direct costs permitted).
- Personnel, including law enforcement officers, not connected to the project for which you are applying.
- Lobbying or advocacy for particular legislative or administrative reform.
- Fund raising and any salaries or expenses associated with it.
- Legal fees.
- All travel including first class or out-of-state travel, unless prior approval by the Department is received.
- Promotional items, unless prior approval by the Department is received.
- One-time events, prizes, entertainment (e.g., tours, excursions, amusement parks, sporting events), unless prior approval by the Department is received.
- Honorariums.
- Contributions and donations.
- Management or administrative training, conferences, unless prior approval by the Department is received.
- Management studies or research and development (costs related to evaluation are permitted).
- Fines and penalties.
- Losses from uncollectible bad debts.
- Purchases of land.
- Memberships and agency dues, unless a specific requirement of the project, unless prior approval by the Department is received.
- Compensation to federal employees.
- Military type equipment such as armored vehicles, explosive devices, and other items typically associated with the military arsenal.
- Purchasing of vehicles, vessels or aircraft.
- Construction costs and/or renovation, including remodeling.
- Service contracts and training beyond the expiration of this Agreement.
- Informant fees, rewards or buy money.
- K9 dogs and horses, including any food and/or supplies relating to the upkeep of law enforcement animals.
- Livescan devices for applicant prints including any related supplies.
- Weapons, including tasers.
- Food, refreshments, snacks

Note: No funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event. Exceptions to this restriction may be made only in cases where such sustenance is not otherwise available (e.g., extremely remote areas), or where a special presentation at a conference requires a plenary address where there is no other time for sustenance to be attained. Such an exception would require prior approval from the Department and the U.S. Department of Justice. This restriction does not apply to water provided at no cost, but does apply to

any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not impact direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

BUDGET DEVIATION ALLOWANCES:

Budget deviation allowances are no longer acceptable. All budget and programmatic changes will require a formal amendment in the Michigan Automatic Grant Information Connection (MAGIC) system. All amendments must be completed by August 31, 2014.

INITIATION OF PROJECT:

All projects must be initiated within 60 days of the date the grant is awarded.

REPORTING REQUIREMENTS:

If this Application is selected for a Byrne JAG award, the requirements below must be adhered to. Failure to do so may cause the award to be suspended or revoked.

QUARTERLY REPORTING:

-PERFORMANCE MEASUREMENT TOOL (PMT) REPORTS:

Performance reporting will take place no later than 20 days after the end of each quarter through the federal PMT system located at: <http://www.bjaperformancetools.org>.

All PMT reports must be attached to MAGIC by the 20th day after the end of each quarter. It is the grantee's responsibility to be familiar with the requirements of the PMT reports. Requirements will be provided with the award contract.

Performance measurement tool quarterly due dates are outlined below:

- July 20, 2014
- October 20, 2014

-PROGRESS REPORTING:

Quarterly Progress Reports are also due no later than 20 days after the end of each quarter. Progress reports must include information on project implementation, activities, goals, and objectives as well as metrics specific to your program area.

All progress reports must be attached to MAGIC by the 20th day after the end of each quarter. It is the grantee's responsibility to be familiar with the requirements of the progress reports. Requirements will be provided with the award contract.

Performance measurement tool quarterly due dates are outlined below:

- July 20, 2014
- October 20, 2014

FINANCIAL STATUS REPORTS (FSR) (REQUEST FOR REIMBURSEMENT):

FSRs must be submitted on a monthly basis, no later than 30 days after the close of each calendar month. Requests for reimbursement must be submitted for the month in which payment by the agency was made. Dates are outlined below:

Report Period	Report Due Date
4/1/14 - 4/30/14	5/30/14
5/1/14 - 5/31/14	6/30/14
6/1/14 - 6/30/14	7/30/14
7/1/14 - 7/31/14	8/30/14
8/1/14 - 8/31/14	9/30/14
9/1/14 - 9/30/14	10/30/14

The FSR form and instructions for completing the FSR form are contained within the MAGIC system. It is the grantees responsibility to familiarize themselves with the requirements of the FSR, which are contained within the awarded contract.